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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

Plaintiff,

VS.

JAVIER LUGO LEYVA, aka JOSE JULIAN  
CORDOVA OBRADOR, aka PEDRO  
CASTRO-MEDINA.

**Defendant.**

CASE NO.: 2:18-cr-400-JAD-EJY-2

## **STIPULATION TO CONTINUE SENTENCING**

(SECOND REQUEST)

16 IT IS HEREBY STIPULATED AND AGREED, by Defendant Javier Lugo Leyva, by  
17 and through his attorney, Thomas A. Ericsson, Esq., and the United States of America, by and  
18 through Nicholas A. Trutanich, United States Attorney, and Kevin Schiff, Assistant United  
19 States Attorney, that the sentencing hearing currently scheduled for February 24, 2020, at the  
20 hour of 1:30 p.m., be vacated and continued for at least two weeks to a date and time that is  
21 convenient to this Honorable Court. Defense Counsel requests that the Court not schedule the  
22 sentencing on Friday, March 13, 2020, as Defense Counsel will be unavailable on that date.

The request for a continuance is based upon the following:

1. Defense Counsel is working on mitigation issues that must be finalized before sentencing.
2. Counsel for Mr. Leyva has spoken with AUSA Kevin Schiff, and the Government agrees to the continuance.

1           3. The additional time requested by this Stipulation to Continue Sentencing is reasonable  
2           pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good  
3           cause, change any time limits prescribed in this rule.”  
4           4. The additional time requested herein is not sought for the purposes of undue delay.  
5           5. Additionally, denial of this request for a continuance could result in a miscarriage of  
6           justice.

6           DATED: February 20, 2020

7           Respectfully submitted,

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10          */s/ Thomas A. Ericsson* \_\_\_\_\_  
11          Thomas A. Ericsson, Esq.  
12          Oronoz & Ericsson, LLC  
13          1050 Indigo Dr., Suite 120  
14          Las Vegas, Nevada 89145  
15          Attorney for Defendant Leyva

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17          \_\_\_\_\_  
18          */s/ Kevin Schiff* \_\_\_\_\_  
19          Kevin Schiff, Esq.  
20          Assistant United States Attorney  
21          District of Nevada  
22          501 Las Vegas Blvd. South, Suite 1100  
23          Las Vegas, Nevada, 89101  
24          Attorney for the United States of America

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2                   **UNITED STATES DISTRICT COURT**  
3                   **DISTRICT OF NEVADA**

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5                   UNITED STATES OF AMERICA,  
6                   Plaintiff,

7                   vs.

8                   JAVIER LUGO LEYVA, aka JOSE JULIAN  
9                   CORDOVA OBRADOR, aka PEDRO  
10                  CASTRO-MEDINA,

11                  Defendant.

12                  CASE NO.: 2:18-cr-400-JAD-EJY-2

13                  **FINDINGS OF FACT, CONCLUSIONS**  
14                  **OF LAW, AND ORDER**

15                  **FINDINGS OF FACT**

16                  Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
17                  Court finds:

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1. Defense Counsel is working on mitigation issues that must be finalized before sentencing.
2. Counsel for Mr. Leyva has spoken with AUSA Kevin Schiff, and the Government agrees to the continuance.
3. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
4. The additional time requested herein is not sought for the purposes of undue delay.
5. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

29                  **CONCLUSIONS OF LAW**

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The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant

1 the opportunity to appear for his sentencing hearing, taking into account the exercise of due  
2 diligence.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for  
5 February 24, 2020, be vacated and continued to March 16, 2020, at the hour of 10:30 a.m.  
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7 DATED this 21st day of February, 2020.  
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11 UNITED STATES DISTRICT JUDGE  
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